

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:10 mj 47

UNITED STATES OF AMERICA,

Vs.

MICHAEL RAY JORDAN.

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ORDER

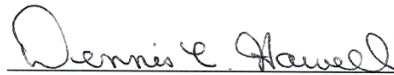
THIS CAUSE coming on to be heard pursuant to a motion filed by counsel for the defendant entitled “Motion for Evaluation” (#12). At the call of this matter on for hearing defendant’s counsel requested permission to amend the motion to reflect he no longer was requesting an evaluation of the defendant, pursuant to 18 USC 42419a) and that the defendant was now requesting relief under 18 USC 4244. Relief under 18 USC 4244 can only be allowed after the defendant has been found guilty and can then be made only within ten days after the defendant is found guilty and prior to the time the defendant is sentenced. Based upon that statute, the undersigned has determined to enter an order denying the Motion for Evaluation (#12) without prejudice and allowing counsel for the defendant to file an amended motion requesting relief pursuant to 18 USC 4244.

ORDER

IT IS, THEREFORE, ORDERED, that the Motion for Evaluation (#12) filed

by counsel for defendant is hereby **DENIED without prejudice** and counsel for defendant will be allowed to file an amended motion requesting relief pursuant to 18 USC 4244.

Signed: September 9, 2010

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Dennis L. Howell
United States Magistrate Judge

